

Message Text

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SUBJECT: PATROL CRAFT FOR FIJI

REF: SUVA 954 (DTG 270015Z AUG 75)

1. FOLLOWING ANSWERS KEYED TO SPECIFIC QUESTIONS RAISED
BY GOF IN REFTEL.

A. ORDERS ISSUED BY FIJIAN SVCMN TO U.S. SVCMN HAVE NO
LEGALLY BINDING EFFECT. INTERSERVICE COMMUNICATION AT
APPROPRIATE LOCAL LEVELS OF RESPONSIBILITY SHOULD RENDER
SUCH ORDERS UNNECESSARY. LIKEWISE, ORDERS BY U.S. SVCMN
TO FIJIAN SVCMN ARE WITHOUT BINDING EFFECT UNDER U.S.
LAW. FIJIAN PERSONNEL ARE NOT SUBJECT TO THE UNIFORM CODE
OF MILITARY JUSTICE. U.S. CIVILIAN LAW DOES NOT REPEAT
NOT PROSCRIBE VIOLATION OF SUCH ORDERS AS CRIMINAL OFFENSES.

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GOF SHOULD BE REQUESTED, HOWEVER, TO INSTRUCT/ORDER GOF

TRAINEES AS FOLLOWS:

QUOTE. YOU ARE HEREBY PLACED UNDER THE TEMPORARY ADMINISTRATIVE CONTROL OF THE U.S. NAVY. YOU ARE DIRECTED TO COMPLY WITH THE ORDERS OF OFFICERS OF THE U.S. NAVY IN ACCORDANCE WITH U.S. NAVY REGULATIONS. ALL SUCH ORDERS SHALL HAVE THE SAME FORCE AND EFFECT AS IF THEY HAD BEEN

ISSUED BY AN OFFICER OF THE FIJIAN NAVY AND SHALL BE OBEYED ACCORDINGLY. YOU ARE TO CARRY OUT TO THE BEST OF YOUR ABILITY WHATEVER DUTY MAY BE GIVEN YOU BY YOUR SUPERIOR UNITED STATES NAVAL OFFICERS. UNQUOTE.

ISSUANCE OF THIS GENERAL ENABLING ORDER BY GOF WILL NOT SUBJECT FIJIAN SVCNMN TO U.S. MILITARY OR CIVIL LAW FOR VIOLATION OF ORDERS BUT WILL PROVIDE A MEANS BY WHICH FIJIAN NAVY CAN EFFECT PROPER DISCIPLINARY OR ADMINISTRATIVE ACTION AGAINST ITS PERSONNEL. PUNISHMENT FOR MILITARY OFFENSES COMMITTED IN THE U.S. WILL BE THE RESPONSIBILITY OF THE GOF.

B. FIJIAN SVCNMN WILL HAVE NO POWERS OF ARREST OVER U.S. SVCNMN. U.S. MILITARY AUTHORITIES, IN SITUATIONS INVOLVING FIJIAN SVCNMN AND REQUIRING AN IMMEDIATE HALTING OF A BREACH OF THE PEACE ON OR OFF A MILITARY BASE OR RESERVATION, MAY TAKE SUCH STEPS AS ARE NORMALLY PRESCRIBED TO PREVENT COMMISSION OF THE OFFENSES AND TO RESTORE ORDER. WHERE THE OFFENSE COMMITTED BY A FIJIAN TRAINEE DOES NOT INVOLVE THE NECESSITY FOR RESTORING ORDER, THE MILITARY AUTHORITIES MAY, DEPENDING ON THE SERIOUSNESS OF THE OFFENSE, DETAIN THE TRAINEE IN THE PROTECTION OF THE BASE. IN MOST CASES NOT INVOLVING A VERY SERIOUS OFFENSE THE OFFENDER IS RETURNED TO HIS PARENT COMMAND PENDING FINAL DISPOSITION OF THE CASE.

C. FIJIAN COMMANDER IS NOT AUTHORIZED TO COMMIT FIJIAN SVCNMN TO U.S. MILITARY CORRECTIONAL FACILITIES.

D. PROVISIONS OF PARAS A AND B ABOVE DO NOT AFFECT ACTION WHICH FEDERAL OR STATE CIVIL AUTHORITIES MAY ELECT TO UNCLASSIFIED

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TAKE WITH RESPECT TO CIVIL OFFENSES. FIJIAN SVCNMN IN U.S. WILL BE SUBJECT TO CIVIL LAW BUT GOF REQUESTS FOR WAIVERS OF JURISDICTION MAY BE SUBMITTED.

E. CUSTODY OF FIJIAN SVCNMN ACCUSED OF VIOLATING U.S. CIVIL LAW IS NORMALLY A MATTER WITHIN DISCRETION OF CIVIL AUTHORITIES. DEPENDING ON SEVERITY OF OFFENSE, CIVIL AUTHORITIES MAY BE EXPECTED TO RELINQUISH CUSTODY TO

MILITARY AUTHORITIES PENDING FURTHER INVESTIGATION AND TRIAL.

F. MOST SITUATIONS INVOLVING TRAINING HAVE NOT INVOLVED WRITTEN AGREEMENTS. U.S. NAVY WOULD PREFER TO FOLLOW THIS PRACTICE IN THIS CASE, BUT WILL ENTERTAIN GOF PROPOSAL TO ENTER MUTUAL NAVY TO NAVY AGREEMENT WHEREBY EACH NAVY WAIVES CERTAIN CLAIMS AGAINST THE OTHER.

2. WOULD PREFER TO LIMIT ANY AGREEMENT WITH GOF ONLY TO MATTER OF CLAIMS. INCLUSION OF MATTERS OF CRIMINAL JURISDICTION CONSIDERED NEITHER NECESSARY NOR DESIRABLE. REQ ADVISE GOF THAT U.S. NAVY ASSISTANCE WILL BE RENDERED IN THESE AND OTHER MATTERS AS DICTATED BY THE CIRCUMSTANCES.
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